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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/789,772 Confirmation No.: 1888  
Applicant(s): Miniaci, Robert R.  
Filed: 02/27/2004  
Art Unit: 2851  
Examiner: Fuller, Rodney Evan  
Title: Film Projector With High Efficiency Illumination  
Attorney Docket No.: 037A.0001.U1 (US)  
Customer No.: 29,683

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Petition To Commission  
(37 C.F.R. §1.181)

Sir:

This is a petition under 37 C.F.R. §1.181 to invoke the supervisory authority of the Commissioner.

**Statement Of Facts**

In the Office Action mailed 06/10/2005 the examiner objected to claims 1 and 9 stating that:

"The limitations sets forth that the "lamp bulb is aligned generally horizontally." The term "horizontally" is a relative term, and the reference to which the bulb is horizontally aligned is not set forth."

In the response filed 09/09/2005 the examiner was asked to reconsider this objection.

In the "final" Office Action mailed 11/29/2005 the examiner repeated the objection.

**Point To Be Reviewed**

Is the examiner correct in objecting to the claim language "horizontally" recited in claims 1 and 9?

**Action Requested**

The Assistant Commissioner is requested to direct the examiner to withdraw his objection to claims 1 and 9.

**Discussion**

First, the examiner has not indicted what section of 35 U.S.C., 37 U.S.C., or the MPEP the examiner is basing his objection upon. The examiner merely states that the term "horizontally" is a relative term, and the reference to which the bulb is horizontally aligned is not set forth.

Second, the language of the claims would be understood by a person skilled in the art after reading the patent application.

Claim 1 claims that "the lamp bulb is aligned generally horizontally". Figs. 1 and 3 shown the lamp bulb 22 in a horizontal orientation. The application as originally filed describes a motion picture film projector lamp house assembly comprising a lamp bulb aligned generally horizontally (see paragraphs 0016, 0040, 0041, 0048, 0049). Vertical is also referenced in the application. After reading the paragraphs noted above, it seems inconceivable that a person skilled in the art would not understand the claim language. Even if, for the sake of argument, the term "horizontally" is considered a relative term, there is nothing wrong with this. The Assistant Commissioner is directed to directed to MPEP 2173.05(b) which recites:

"The fact that claim language, ... may not be precise, does not automatically render the claim indefinite under 35

U.S.C. 112, second paragraph." "Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification."

In the present case, a person skilled in the art clearly would understand what is claimed in light of the specification. For example, paragraphs 0040-0041 mentions that:

"As seen in Figs. 1 and 3, the lamp house section 12 also comprises an anode 44 and a cathode 46. The anode 44 is attached to a rear side of the frame 16. The cathode 46 is located at a front end of the frame 16 and comprises a cantilevered arm 48. The cantilevered arm 48 projects upward and forward. The cantilevered arm 48 is preferably comprised of metal and is adapted to be deformed, such as moving its distal end 50 vertically up and down and horizontally right and left. In an alternate embodiment, the cantilevered arm 48 could merely comprise an adjustable support for the front end of the bulb 22, and the cathode could comprise a plug attached to the electrical wire 58 which is plugged onto the positive front end of the bulb.

The lamp bulb 22 is mounted between the anode 44 and the cathode 46 in a general horizontal orientation. The center 52 of the lamp bulb 22 has the largest outer diameter of the bulb. In the embodiment shown, the lamp bulb 22 comprises a 4200 Watt bulb. However, in alternate embodiments, any suitable wattage size bulb could be provided. The lamp bulb 22 is designed to replace a larger 7000 Watt bulb with the use of the present invention. The negative end 23 of the bulb 22 fits into an adaptor 54 (see Fig. 1). The adaptor 54 is attached to a front end of the anode 44. More specifically, the adaptor 54 comprises a rear end which

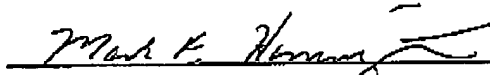
is located inside the bulb terminal receiving area of the anode 44. The adaptor 54 comprises a front end which has a receiving area that is adapted to receive the negative end terminal of the bulb 22. "

A person skilled in the art would not be able to state that he did not understand the claim language "horizontally" after reading this portion of the specification with reference to the drawings. Figs. 1 and 3 clearly show the lamp bulb 22 in a general horizontal orientation. There is nothing wrong with using the word "horizontally" in the claims regarding alignment of the lamp bulb.

#### Summary

The examiner was incorrect in objecting to the claim language. There is no basis for objecting to the claim language in view of the skill in the art and the specification and drawings as originally filed. The Assistant Commissioner is requested to direct the examiner to withdraw his objection to the claims.

Respectfully submitted,

  
Mark F. Harrington (Reg. No. 31,686)

1/20/06  
Date

Customer No.: 29683  
Harrington & Smith, LLP  
4 Research Drive  
Shelton, CT 06484-6212  
203-925-9400

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